

REMARKS

I. Divisional Status

The present application is a divisional of allowed, co-pending application Serial No. 09/561,005, filed April 28, 2000 ("the '005 application"; Attorney Docket No. 3999.002585). The inventorship remains the same as the earlier application.

The '005 application was filed with 46 claims, directed to methods for treating cancer using immunoconjugates comprising anti-VEGF antibodies with specific binding properties and particular structural and functional features.

In a Restriction Requirement dated July 05, 2001, the Office took the position that the original claims in the '005 application were drawn to nine allegedly distinct inventions under 35 U.S.C. § 121 (Groups I through IX). Although accepting the restriction of certain groups, Applicants traversed the 9-way restriction on various grounds, particularly that the structural and functional features of the antibody portion of the immunoconjugate provided unity.

Examination proceeded without initial agreement on the restriction issues and was discussed again when the initially elected claims were allowed. At that time, the Office revised the Restriction Requirement so that original Groups I, II III, V, VI, VII and VIII formed a unified invention, which was allowed and will issue.

After allowance of the unified claims, the Office further established that original Groups IV and IX were drawn to the same invention as each other, *i.e.*, methods for treating cancer using immunoconjugates that act on inactive prodrugs to form active drugs after localization to the tumor. Thus, the Office determined that original Groups IV and IX were drawn to an invention patentably distinct under 35 U.S.C. § 121 from original Groups I, II III, V, VI, VII and VIII, but that original Groups IV and IX were unified together and not properly restrictable, each from the other. Applicants agreed with the final holding of the Office.